

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**JOSEPH CARTER,**

**Plaintiff,**

**v.**

**HEARTLAND EXPRESS, INC. OF  
IOWA; and MARK LAROCQUE,**

**Defendants.**

**CIVIL ACTION FILE NO.**

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**REMOVED FROM STATE COURT  
OF FULTON COUNTY  
CIVIL ACTION FILE NO.  
21EV002677**

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**DEFENDANTS' NOTICE OF REMOVAL TO UNITED STATES  
DISTRICT COURT**

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TO: The Honorable Judges of the United States District Court for the Northern District of Georgia, Atlanta Division:

COME NOW, **HEARTLAND EXPRESS, INC OF IOWA** and **MARK LAROCQUE** (hereinafter "Defendants"), and file the following Notice of Removal to United States District Court, showing the Court as follows:

1. A civil action was filed on April 30, 2021, and now is pending in the State Court of Fulton County, State of Georgia, with the parties named and aligned as stated in the caption of this document. That action is designated there as Civil Action

File No.: 21EV002677. A true and accurate copy of the Complaint is attached as Ex. "A".

2. Defendant Heartland Express, Inc. was served through its registered agent on May 19, 2021, which is the first time this Defendant had notice of this suit. Defendant Mark Larocque has not yet been served with the Complaint. Therefore, this notice of removal is timely filed.

3. Defendants file herewith a copy of all process, pleadings, and orders received by all Defendants in Civil Action File No.: 21EV002677, pursuant to 28 USC §1446, attached hereto as Ex. "B".

4. Defendant Mark LaRocque was, at the commencement of Civil Action File No.: 21EV002677, and at all times since has been a citizen of the State of Tennessee. (Compl. ¶25).

5. Defendant Heartland Express, Inc. of Iowa is now, was at the commencement of Civil Action File No.: 21EV002677, and at all times since has been a corporation organized and existing under the laws of the State of Iowa.

6. Defendant Heartland Express, Inc. of Iowa's principal place of business at the time of filing Civil Action File No. 21EV002677 was, and at all times since has been, 901 Heartland Way, North Liberty, Iowa 52317.

7. Upon information and belief, Plaintiff is a citizen of the State of Florida.

8. In the Plaintiff's Demand, Plaintiff has alleged damages in the amount of \$375,000.00.

9. Attached hereto is a copy of Defendants' Notice of Removal which will be promptly filed in the State Court of Fulton County, State of Georgia, marked as Exhibit "C".

WHEREFORE, Defendants pray that the above action now pending against them in the State Court of Fulton County, State of Georgia, be removed to this Court.

This 17th day of June, 2021.

**HALL BOOTH SMITH, P.C.**

*/s/ James E. Gilson*  
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JAMES E. GILSON  
Georgia Bar No. 001150  
BRIAN J. MANIKOWSKI  
Georgia Bar No. 541272  
SCOTT H. MOULTON  
Georgia Bar No. 974237  
*Counsel for Defendants*

191 Peachtree Street, N.E.  
Suite 2900  
Atlanta, Georgia 30303-1775  
(404) 954-5000  
(404) 954-5020 Fax  
**DEFENDANT DEMANDS**  
**TRIAL BY JURY**

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**CERTIFICATE OF SERVICE**

The foregoing **DEFENDANTS' NOTICE OF REMOVAL TO UNITED  
STATES DISTRICT COURT** and request for trial date is double spaced in 14  
point Times New Roman font and complies with the type-volume limitation set forth  
in Local Rule 7.1.

This 17th day of June, 2021.

**HALL BOOTH SMITH, P.C.**

/s/ James E. Gilson  
JAMES E. GILSON  
Georgia Bar No. 001150  
*Counsel for Defendants*

191 Peachtree Street, N.E.  
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**DEFENDANT DEMANDS**  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this day I have served a copy of the within and foregoing **DEFENDANTS' NOTICE OF REMOVAL TO UNITED STATES DISTRICT COURT** upon all parties to this matter by depositing same in the U.S. Mail, proper postage prepaid, addressed to counsel of record as follows and/or filing said document with Peach Court which will automatically send electronic notification to the following:

R. Sean McEvoy  
Witherite Law Group, LLC  
600 W. Peachtree St., NW, Suite 740  
Atlanta, GA 30308  
[Sean.mcevoy@witheritelaw.com](mailto:Sean.mcevoy@witheritelaw.com)

[SIGNATURE PAGE FOLLOWS]

This 17th day of June, 2021.

**HALL BOOTH SMITH, P.C.**

*/s/ James E. Gilson*  
JAMES E. GILSON  
Georgia Bar No. 001150  
*Counsel for Defendants*

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**TRIAL BY JURY**